

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF Case

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ADRIAN HUFF, as Chairman of the Board of Trustees of
TEAMSTERS LOCAL 445 FREIGHT DIVISION PENSION
FUND and TEAMSTERS LOCAL 445 EDUCATION and
TRAINING FUND,

Civil Action No. 07 Civ. 6033
(KMK)(MDF)

Plaintiff,

- against -

WATSON SERVICES, INC.,

**PLAINTIFF'S OBJECTIONS
AND RESPONSES TO
DEFENDANT'S FIRST SET
OF INTERROGATORIES**

Defendant.
----- X

Plaintiff, ADRIAN HUFF, *et al.*, ("Plaintiff") by his attorneys, SAPIR & FRUMKIN LLP, pursuant to Fed. R. Civ. P. R. 33, makes the following objections and responses to Defendant Watson Services, Inc.'s ("Defendant") First Set of Interrogatories.

GENERAL OBJECTIONS

1. Plaintiff objects to each Interrogatory to the extent that such Interrogatory is neither relevant nor calculated to lead to the discovery of admissible evidence, is vague, overbroad, ambiguous, unduly burdensome, unreasonable, and oppressive. Plaintiff further objects to each Interrogatory to the extent that it seeks documents which are subject to the attorney-client, work product, or other applicable privilege.

2. Plaintiff objects to each Interrogatory to the extent that it seeks to require Plaintiff to respond in any manner beyond the requirements of the Federal Rules of Civil Procedure or the Local Rules of the Southern District of New York.

3. Plaintiff objects to each Interrogatory to the extent that it seeks to have Plaintiff exert control over persons or entities who are not parties to this litigation and over which Plaintiff has no control, or identify documents not in the custody, control or possession of Plaintiff.

The preceding general objections apply to each of the following specific responses and are deemed incorporated therein.

INTERROGATORY #1

Please set forth every specific provision of the Trust Agreements referenced in the Complaint and/or the 2003-2006 CBA, which require(s) the Defendant to pay late payment charges, liquidated damages and/or interest on late contributions which were nonetheless paid in full prior to the commencement of this action.

RESPONSE #1

Plaintiff objects to Interrogatory #1 as it requests information beyond that permitted by Local Civil Rule 33.3(a) of the Southern District of New York.

INTERROGATORY #2

Please set forth every additional fact in support of Plaintiff's assertion that the Trust Agreements referenced in the Complaint and/or the 2003-2006 CBA require(s) the Defendant to pay late payment charges, liquidated damages and/or interest on late contributions which were nonetheless paid in full prior to the commencement of this action.

RESPONSE #2

Plaintiff objects to Interrogatory #2 as it requests information beyond that permitted by Local Civil Rule 33.3(a) of the Southern District of New York.

INTERROGATORY #3

Please identify any and all employers obligated to make contributions to the Local 445 Pension and Welfare Fund, and/or bound by the Restated Agreement and Declaration of Trust, during 2004, 2005 and/or 2006, including setting forth for each:

- (a) its name and primary business address;

- (b) the name and title of the employer's agent, representative or official responsible for collective-bargaining with the union;
- (c) the name and title of the employer's agent, representative or official responsible for ensuring payment of the Fund contributions; and
- (d) whether or not the Fund as imposed, collected or sought to compel payment of late charges, liquidated damages, interest and/or any other such additional payments against the employer during 2004, 2005, and/or 2006.

RESPONSE #3

Plaintiff objects to Interrogatory #3 as it seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.

INTERROGATORY #4

Please identify each and every instance during 2004, 2005, or 2006 wherein the Trustees of the Teamsters Local 445 Freight Division Pension Fund, or any authorized agent or representative of the Trustees, conducted an audit of Defendant's books and records.

RESPONSE #4

Plaintiff objects to Interrogatory #4 as it requests information beyond that permitted by Local Civil Rule 33.3(a) of the Southern District of New York.

INTERROGATORY #5

Please identify each and every instance during 2004, 2005, or 2006, wherein the Trustees of the Teamsters Local 445 Freight Division Pension Fund, or any authorized agent or representative of the Trustees, conducted an audit of the books and records of any employer identified in Interrogatory #3.

RESPONSE #5

Plaintiff objects to Interrogatory #5 as it requests information beyond that permitted by Local Civil Rule 33.3(a) of the Southern District of New York.

INTERROGATORY #6

Please identify each individual who has served as a Trustee of the Teamsters Local 445 Freight Division Fund since 1975, setting forth for each:

- (a) his or her name and last known address;
- (b) his or her dates of service as a Trustee; and
- (c) whether he or she served as a union or Employer Trustee.

RESPONSE #6

Plaintiff objects to Interrogatory #6 as it seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to the foregoing, Plaintiff responds to Interrogatory #6 as follows:

- 1.
 - (a) Joseph Anginoli. P.O. Box 128, Vails Gate, New York 12584.
 - (b) Last year of service was 1998.
 - (c) Employer Trustee.
- 2.
 - (a) Joseph Arnita. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1975.
 - (c) Union Trustee.
- 3.
 - (a) Karl Augustin. A & W Products, 14 Gardner Street, Port Jervis, New York 12771.

- (b) Last year of service was 1998
 - (c) Employer Trustee.
- 4.
 - (a) Gerald Axner. No last known address.
 - (b) Last year of service was 1983.
 - (c) Employer Trustee.
- 5.
 - (a) William Berger. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1997.
 - (c) Union Trustee.
- 6.
 - (a) Michael Berzansky. Wakefern Food Corp., 236 Raritan Center, Edison, New Jersey 08837.
 - (b) Last year of service was 1988.
 - (c) Employer Trustee.
- 7.
 - (a) William Bowman. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1984.
 - (c) Union Trustee.
- 8.
 - (a) Larry Bowman. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1997.
 - (c) Union Trustee.

9. (a) Robert Carroll. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
(b) Last year of service was 2007.
(c) Union Trustee.
10. (a) Carmine Caruso. Wakefern Food Corp., 236 Raritan Center, Edison, New Jersey 08837.
(b) Last year of service was 2004.
(c) Employer Trustee.
11. (a) John Casey. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
(b) Last year of service was 1975.
(c) Union Trustee.
12. (a) William Comicz. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
(b) Last year of service was 1978.
(c) Employer Trustee.
13. (a) Charles Curio. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
(b) Last year of service was 1975.
(c) Union Trustee.
14. (a) Dan D'Angelo. Anchor Motor Freight, Main Street, Tarrytown, New York 10591.

- (b) Last year of service was 1990.
 - (c) Employer Trustee.
- 15.
 - (a) Theodore Daly. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1975.
 - (c) Union Trustee.
- 16.
 - (a) Chester Davis. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1975.
 - (c) Union Trustee.
- 17.
 - (a) Job Davis. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1994.
 - (c) Union Trustee.
- 18.
 - (a) Jeffrey Dobens. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 2000.
 - (c) Union Trustee.
- 19.
 - (a) James Doorhy. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1982.
 - (c) Union Trustee.

20. (a) Robert Drexler. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
(b) Last year of service was 1982.
(c) Union Trustee.
21. (a) Raymond Ebert. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
(b) Last year of service was 1975.
(c) Union Trustee.
22. (a) Jack Epstein. No last known address.
(b) Last year of service was 1975.
(c) Employer Trustee.
23. (a) Clarence Frankel. Cooper Jarrett, Hanover Plaza, Morristown, New Jersey 07960.
(b) Last year of service was 1979.
(c) Employer Trustee.
24. (a) Cindy Garlinghouse. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
(b) Last year of service was 2006.
(c) Union Trustee.
25. (a) Adrian Huff. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
(b) Last year of service was 2006.

- (c) Huff.
- 26. (a) Robert Hutchinson. Anchor Motor Freight, Main Street, Tarrytown, New York 10591.
 - (b) Last year of service was 1987.
 - (c) Employer Trustee.
- 27. (a) John Joiner. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1983.
 - (c) Union Trustee.
- 28. (a) Bruce Kerr. Star Expansion, P.O. Box 1, Mountainville, New York 10953.
 - (b) Last year of service was 1987.
 - (c) Employer Trustee.
- 29. (a) Howard Krakower. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1991.
 - (c) Union Trustee.
- 30. (a) David Lippner. No last known address.
 - (b) Last year of service was 1975.
 - (c) Employer Trustee.
- 31. (a) Michael Marco. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
 - (b) Last year of service was 1975.

- (c) Union Trustee.
- 32. (a) Douglas McCauley. Deceased.
- (b) Last year of service was 2006.
- (c) Union Trustee.
- 33. (a) Joseph McHugh. No last known address.
- (b) Last year of service was 1985.
- (c) Employer Trustee
- 34. (a) William Mills. No last known address.
- (b) Last year of service was 1982.
- (c) Employer Trustee.
- 35. (a) Abe Novig. Rupp Southern Tier, P.O. Box 489, Middletown, New York 10940.
- (b) Last year of service was 1975.
- (c) Employer Trustee.
- 36. (a) Richard Raskin. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Last year of service was 1978.
- (c) Employer Trustee.
- 37. (a) Vincent Refino. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Last year of service was 1975.
- (c) Union Trustee.

- 38. (a) John Rubino. No last known address.
- (b) Last year of service was 1979.
- (c) Employer Trustee.
- 39. (a) Barry Russell. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Last year of service was 1996.
- (c) Union Trustee.
- 40. (a) Elmore Schueler. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Last year of service was 1975.
- (c) Union Trustee.
- 41. (a) James Schueler. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Last year of service was 1992.
- (c) Union Trustee.
- 42. (a) Mark Seasholtz. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Last year of service was 1997.
- (c) Union Trustee.
- 43. (a) Fred Smit. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Last year of service was 1997.

- (c) Union Trustee.
- 44. (a) Martin Smith. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Last year of service was 2006.
- (c) Union Trustee.
- 45. (a) Kenneth Stanley. No last known address.
- (b) Last year of service was 1982.
- (c) Employer Trustee.
- 46. (a) Alan Stewart. New York Mid Hudson, Beacon, New York 12508.
- (b) Last year of service was 1975.
- (c) Employer Trustee.
- 47. (a) Jack Stewart. New York Mid Hudson, Beacon, New York 12508
- (b) Last year of service was 1976.
- (c) Employer Trustee.
- 48. (a) William Tierney. No last known address.
- (b) Last year of service was 1987.
- (c) Employer Trustee.
- 49. (a) Michael Whalen. The Corporate Librarian, Ltd., Armonk Storage, Inc., f/k/a Whalen's Moving & Storage Co., Inc., 6 Labriola Court, Armonk, New York 10549.
- (b) Last year of service was 1998.
- (c) Employer Trustee.

INTERROGATORY #7

Please identify each instance in which the Agreement and Declaration of Trust of the Local 445 Freight Division Pension Fund has been amended, supplemented or modified since 1975, including setting forth for each:

- (a) the effective date of amendment, supplement, or modification;
- (b) a brief description of the amendment, supplement, or modification; and
- (c) a brief summary of the Trustees' actions in approving such amendment, supplement or modification.

RESPONSE #7

Plaintiff objects to Interrogatory #7 as it requests information beyond that permitted by Local Civil Rule 33.3(a) of the Southern District of New York.

INTERROGATORY #8

Please identify each and every individual who participated in the drafting of the 1988 amendments to the Restated Agreement and Declaration of Trust of the Local 445 Freight Division Pension Fund, including setting forth for each:

- (a) his or her name and last known address; and/or
- (b) his or her job title and/or relationship to the Trustees.

RESPONSE #8

Plaintiff objects to Interrogatory #8 as it seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to the foregoing, Plaintiff responds to Interrogatory #8 as follows:

1. (a) Joseph Arnita. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.

- (b) Union Trustee.
- 2. (a) William Bowman. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Union Trustee.
- 3. (a) Albert Butler. The Handel Group, Inc., 53 Academy St., P.O. Box 709, Poughkeepsie, New York, 12601.
- (b) Fund Advisor.
- 4. (a) James Doorhy. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Union Trustee.
- 5. (a) Jay Egelberg. The Segal Company, One Park Avenue, New York, New York 10016.
- (b) Fund Advisor.
- 6. (a) Thomas Fitzgerald. The Segal Company, One Park Avenue, New York, New York 10016.
- (b) Fund Advisor.
- 7. (a) Clarence Frankel. Cooper Jarrett, Hanover Plaza, Morristown, New Jersey 07960.
- (b) Employer Trustee.
- 8. (a) Garrett Glennon. The Segal Company, One Park Avenue, New York, New York 10016.
- (b) Fund Advisor.

9. (a) Bernard Handel. The Handel Group, Inc., 53 Academy St., P.O. Box 709, Poughkeepsie, New York, 12601.
(b) Fund advisor.
10. (a) Richard Howell. The Segal Company, One Park Avenue, New York, New York 10016.
(b) Fund Advisor.
11. (a) Robert Hutchinson. Anchor Motor Freight, Main Street, Tarrytown, New York-10591.
(b) Employer Trustee.
12. (a) James Kearney. The Segal Company, One Park Avenue, New York, New York 10016.
(b) Fund Advisor.
13. (a) Bruce Kerr. Star Expansion, P.O. Box 1, Mountainville, New York 10953.
(b) Employer.
14. (a) John Joiner. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
(b) Union Trustee.
15. (a) Edward Kislik. The Segal Company, One Park Avenue, New York, New York 10016.
(b) Fund Advisor.
16. (a) William Laverde. The Segal Company, One Park Avenue, New York, New York 10016.

- (b) Fund Advisor.
- 17. (a) Michael Marco. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Union Trustee.
- 18. (a) David Philips. The Segal Company, One Park Avenue, New York, New York 10016.
- (b) Fund Advisor.
- 19. (a) Stephen Rosenstein. The Handel Group, Inc., 53 Academy St., P.O. Box 709, Poughkeepsie, New York, 12601.
- (b) Fund Advisor.
- 20. (a) John Rubino. No last known address.
- (b) Employer Trustee.
- 21. (a) Nicole Schmidt. The Segal Company, One Park Avenue, New York, New York 10016.
- (b) Fund Advisor.
- 22. (a) Elmore Schueler. Teamsters Local 445, P.O. Box 2572, 15 Stone Castle Road, Newburgh, New York 12550.
- (b) Union Trustee.
- 23. (a) Steven Seide. The Segal Company, One Park Avenue, New York, New York 10016.
- (b) Fund Advisor.

24. (a) Darryl Simchak. The Segal Company, One Park Avenue, New York, New York 10016.
(b) Fund Advisor.
25. (a) Lawrence Singer. The Segal Company, One Park Avenue, New York, New York 10016.
(b) Fund Advisor.
26. (a) Richard Skobel. The Segal Company, One Park Avenue, New York, New York 10016.
(b) Fund Advisor.
27. (a) Frank Sposato. The Segal Company, One Park Avenue, New York, New York 10016.
(b) Fund Advisor.
28. (a) Jack Stewart. No last known address.
(b) Employer Trustee.
29. (a) William Tierney. No last known address.
(b) Employer Trustee.
30. (a) Philip Tow. The Segal Company, One Park Avenue, New York, New York 10016.
(b) Fund Advisor.
31. (a) Joseph Waldron. The Segal Company, One Park Avenue, New York, New York 10016.
(b) Fund Advisor.

32. (a) Karen Wallace. The Segal Company, One Park Avenue, New York, New York 10016.
- (b) Fund Advisor.
33. (a) Bruce Ward. The Segal Company, One Park Avenue, New York, New York 10016.
- (b) Fund Advisor.
34. (a) Jack Wilson. The Handel Group, Inc., 53 Academy St., P.O. Box 709, Poughkeepsie, New York, 12601.
- (b) Fund Advisor.

INTERROGATORY #9

Please identify each and every individual who has participated or is participating in the drafting of any amendments to the Restated Agreement and Declaration of trust of the Local 445 Freight Division Pension Fund during 2006 and/or 2007, including setting forth for each:

- (a) his or her name and last known address; and/or
- (b) his or her job title and/or relationship to the Trustees.

RESPONSE #9

Plaintiff objects to Interrogatory #9 as it seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to the foregoing, Plaintiff responds to Interrogatory #9 as follows:

1. (a) Douglas McCauley. Deceased.
- (b) Union Trustee.

2. (a) Michael Berzansky. Wakefern Food Corp., 236 Raritan Center, Edison, New Jersey 08837.
(b) Employer Trustee.
3. (a) Roscoe Haynes. Milliman USA, 4 Corporate Plaza, 250 Washington Avenue, Albany, New York 12203-5401.
(b) Fund Advisor.

INTERROGATORY #10

Please set forth any additional facts relevant to Plaintiff's claims or Defendant's defenses in the instant action.

RESPONSE #10

Plaintiff objects to Interrogatory #10 as it requests information beyond that permitted by Local Civil Rule 33.3(a) of the Southern District of New York.

Dated: White Plains, New York
November 26, 2007

SAPIR & FRUMKIN LLP

By: 

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